



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: AGEMA Infrared Systems

File: B-232195

Date: November 21, 1988

DIGEST

Protest that solicitation for radiometer system unduly restricts competition by including specifications allegedly "written around" design features of a competitor's product is denied where agency establishes that the solicitation requirements are reasonably related to its minimum needs.

DECISION

AGEMA Infrared Systems protests the specifications for a radiometer system contained in invitation for bids (IFB) No. 1-54-2640.1211, issued by the National Aeronautics and Space Administration (NASA). AGEMA asserts that the IFB's specifications for the item, used by NASA for detecting and measuring the temperature and velocity of the hot gases emitted by jet engines, do not reflect the agency's actual minimum needs. Instead, AGEMA contends that the specifications are written around the product offered by a competitor, Inframetrics, and that the IFB is therefore unduly restrictive.

We deny the protest.

The IFB sought offers for a radiometer imaging system. A radiometer consists of a detector that senses light of various wavelengths and a scanner that directs the detector across the particular field of view being studied. Information from the detector is relayed to a video display device (that is, a television screen), and the associated image processing system allows modification, measurement, and analysis of the information. The radiometer called for here was to be a "dual channel" system, that is, one

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capable of measuring and analyzing light in two different wavelength ranges. As specified in the IFB, the item contains two separate detectors, each operating at a different wavelength range, but utilizing a single optical path (that is, one line of sight). AGEMA challenges several aspects of the specifications.

When a protester challenges specifications as unduly restrictive of competition, the burden initially is on the procuring agency to establish prima facie support that the restrictions are needed to meet its minimum needs. Once the agency establishes this prima facie support, however, the burden is on the protester to show that the requirements complained of are unreasonable. Honeywell Inc., B-230224, June 14, 1988, 88-1 CPD ¶ 568. Solicitation requirements based upon a particular product are not improper in and of themselves, and do not provide a valid basis for protest, where the agency establishes that the specifications are reasonably related to its minimum needs. See Joaquin Mfg. Corp., B-230645, June 21, 1988, 88-1 CPD ¶ 593.

Among the areas questioned by AGEMA is the requirement that the radiometer be capable of imaging two wavelength ranges of light simultaneously through a single optical path. The firm asserts that a product such as its own, which employs two separate scanners (one for each wavelength range), would meet the agency's needs, and that the specification as written is therefore unduly restrictive.

We find NASA has established the necessity for the single optical path requirement. NASA reports that systems such as that proposed by AGEMA, using two separate lines of sight, would result in unacceptable parallax, that is, the apparent displacement, or difference in apparent direction, of an object, when it is observed from two different viewpoints not on a straight line with the object itself. Parallax would unacceptably distort images.

AGEMA concedes that its two-lens radiometer may result in parallax, but asserts that its system can be corrected for the problem through mechanical adjustments. In response, however, NASA points out that the agency must use the radiometer under varying conditions in which mechanical adjustments are not feasible. These include aircraft field studies involving focus distances of several hundred feet, as well as scale-model laboratory studies with a focus distance of only four feet, at which distance the problem of parallax is more acute. In addition, NASA reports that the studies often involve extremely high jet engine noise levels that would be hazardous to anyone attempting to make

mechanical adjustments to the instrument. Accordingly, NASA states that it requires a radiometer that avoids the problem of parallax entirely through the use of a single line of sight.

We believe NASA has reasonably established that a parallax effect would be unacceptable, and that a system such as AGEMA's would result in parallax. Although AGEMA asserts that its system can be adjusted to eliminate any parallax, NASA has adequately explained why such adjustments would not be practicable. The requirement therefore is unobjectionable.

AGEMA also objects to the requirement that the radiometer have a continuously variable zoom lens. (A lens of this type allows the operator rapidly to increase or decrease the image size of the object being viewed without changing the position of the instrument with respect to the object.) AGEMA, which does not offer the feature, asserts that it is not needed because it provides no improvement in resolution but merely magnifies the image already obtained to ensure that small details are not overlooked in field flight studies of jet aircraft. The same result, according to AGEMA, can be obtained through the use of interchangeable lenses or through electronic enhancement of the image.

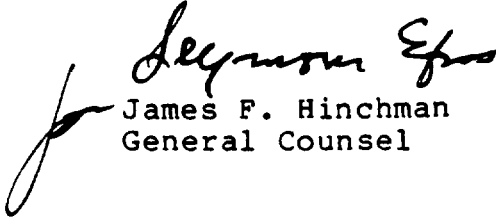
Again, we find NASA has shown the requirement to be reasonable. NASA explains that there is insufficient time to change lenses manually during field flight studies, and that in the course of such studies a zoom lens is of assistance during the initial acquisition of data (that is, in obtaining the basic image), not only in the digital imaging stage (that is, in the electronic processing and enhancement of the image), as AGEMA asserts. NASA considers the zoom lens capability particularly useful for determining initial images in flight studies of aircraft in the field, where complex imaging equipment (needed for the image enhancement suggested by AGEMA) is not immediately available. NASA states that at least two firms offer the specified zoom lens.

As NASA has established that the variable zoom requirement is necessary to the desired operation of the radiometer system, and AGEMA has not established that its system offers an equivalent alternative, the requirement is unobjectionable.

AGEMA challenges several additional specification requirements, but since the record indicates that AGEMA's system does not satisfy the two requirements discussed above, the

firm cannot compete and thus is not an interested party eligible to pursue these issues under our Bid Protest Regulations. We thus will not consider these arguments. 4 C.F.R. §§ 21.0(a) and 21.1(a) (1988); G.S. Link and Assocs., B-229604, B-229606, Jan. 25, 1988, 88-1 CPD ¶ 70.

The protest is denied.


James F. Hinchman
General Counsel